



Paper No. 5

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JUN 28 2002

In re Application of
Hartop
Application No. 10/007,464
Filed: December 5, 2001
Title: STREAMING OF DATA

OFFICE OF PETITIONS
DECISION GRANTING STATUS
UNDER 37 C.F.R. §1.47(b)

This is in response to the March 12, 2002 petition under 37 C.F.R. §1.47(b)¹.

The petition is granted.

Petitioner has shown that the non-signing inventor has refused to join in the filing of the above-identified application after having been presented with the application papers. Specifically, the declaration of facts of dated, establishes that the inventor was given a copy of the application papers, including the specification, claims and drawings, but failed to respond to the request that he sign the declaration. In addition, Petitioner has shown that has a proprietary interest in the above-identified application with the Assignment from inventor to dated. Lastly, Petitioner has submitted a declaration in compliance with 37 C.F.R. §1.63 and §1.64 and demonstrated that such action is necessary to prevent irreparable damage.

This application and papers have been reviewed and found in compliance with 37 C.F.R. §1.47(b). This application is hereby accorded Rule 1.47(b) status and the Office of Initial Patent Examination is authorized to

- (1) accept this application under Rule 1.47(b);
- (2) process the application with the inventor being Scott Hartop and with the indication that the application was filed by as the party in interest under 35 U.S.C. § 118, inventor authority code 08, using the Declaration filed on March 12, 2002; and
- (3) mail a filing receipt with a filing date of December 5, 2001.

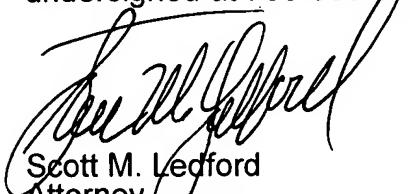
As provided in Rule 1.47(b), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the Declaration. Notice of the filing of this application will also be published in the Official Gazette.

¹ A grantable petition under 37 CFR 1.47(b) requires:

- (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration;
- (2) an acceptable oath or declaration;
- (3) the petition fee;
- (4) a statement of the last known address of the non-signing inventor;
- (5) proof of proprietary interest; and
- (6) proof of irreparable damage.

The application is being returned to the Office of Initial Patent Examination for further processing, a copy of the corrected Filing Receipt is attached.

Telephone inquiries regarding this communication should be directed to the undersigned at 703-306-5593.



Scott M. Ledford
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Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy